



State of New Mexico
Office of the Natural Resources Trustee

GARY E. JOHNSON
Governor

Dr. William M. Turner, Trustee
Steven Cary, Deputy Director
Charles de Salian, Counsel

August 29, 1999

Mr. Turner Branch
The Branch Law Firm
2025 Rio Grande Boulevard, NE
Albuquerque, NM 87104

ORIGINAL HAND DELIVERED
COPY FAXED TO 505-243-3534

RE: LEGAL REPRESENTATION OF NATURAL RESOURCES TRUSTEE

Dear Mr. Branch:

I am writing in my capacity as Natural Resources Trustee. I hold this position pursuant to the terms of the Natural Resources Trustee Act, NMSA 1978, Sections 75-7-1 *et seq.* Among other powers vested in me, the Act gives me the authority to bring legal actions to collect damages for injury to, destruction of or loss of natural resources. The Act also provides that the New Mexico Attorney General shall provide legal counsel and representation to me and my office.

In 1998, my office conducted an RFP process to select outstanding environmental law firms to act on behalf of my office to pursue legal action to collect such damages if all other avenues failed. My office selected your firm and four other out-of-state law firms.

Beginning in January, 1999, the Attorney General and your firm negotiated a contract in secrecy and in a conspiracy of silence. The contract is not completely acceptable to me. Neither your office nor the Attorney General would share with me any draft copies of the contract despite my written attempts, as the client, to obtain it. In fact, I did not see a copy of the contract until it had been placed into full force. In my view, the manner in which the contract was negotiated in secret is not only illegal but a violation of legal ethics that I shall take up with the New Mexico Bar.

It now appears that the Attorney General, your client under the contract, is attempting to usurp my statutory authorities and my rights under the rules governing attorney-client relationships.

To mitigate any damages that may accrue to you, this letter is to inform you that neither the Attorney General nor any law firm under contract to the Attorney General is authorized to pursue any legal actions in the name of the Natural Resources Trustee or my office without my express written consent. This applies to any and all legal actions, however inconsequential, whether in or out of court. The Attorney General is not my

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representative for the purposes of authorizing legal action in my name or the name of my office. I shall regard any attempt to interfere with my authorities and my existing negotiations with potentially responsible parties as *ultra vires* and I have so informed the Attorney General.

I have attached to this letter a copy of the letter that I have sent to the Attorney General on this matter.

Thank you for your attention to this matter.

Sincerely,


Dr. William M. Turner
Natural Resources Trustee

Encl: Letter to Patricia Madrid, NM Attorney General

cc:	Girardi & Keese	213-977-0211
	Engstrom, Libscomb and Lack	310-552-9434
	Gallagher, Young, Lewis,	
	Hampton & Downey	713-222-0066
	Rosch & Ross	713-222-0906
	Interested Parties	

CERTIFICATE OF DELIVERY

I, William M. Turner, hereby swear, affirm, certify and depose that I hand delivered the original of hereinabove instrument and enclosure to the hereinabove addressee at his place of business and faxed a copy of the document to the hereinabove telefacsimile number this 29th day of August, 1999.


William M. Turner